Amendment   Docket No.US010118
Serial No.09/843,499

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-17 are pending and stand rejected. Claims 1, 4, 7, 10, 12, 13 and 15-17 have been amended. Claims 18-20 have been added. Claims 1, 7, 12, and 15 are independent claims.

Claims 1-6 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Nafeh (USP no. 5,343,251) in view of Walker (USP no. 6,928,233).

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims. However in the interest of advancing the prosecution in this matter, the independent claim 1 has been amended to recite "combining the probability distribution for each sub-segment by averaging the probability distribution for each sub-segment to form a combined probability distribution." No new matter has been added. Support for the amendment may be found in at least dependent claim 4. Although claim 4 was rejected based on the cited references, it will be shown that the cited references fails to recite the subject matter claimed.

Nafeh discloses a method and apparatus for classifying patterns of television programs and commercials based on learning and discerning of broadcast audio and video signals. The apparatus uses a discerner device containing feature extraction, an artificial neural network and control mechanisms. The discerner device classifies signal patterns into classes and stores, records or displays them (see Abstract). Nafeh discloses "a multi-layer neural network is shown in FIG. 1D...The inputs to a neuron are multiplied by various coefficients called weights, which represent the synaptic connectivity between a real neuron in biology in a specific layer and another neuron in the following layer. All weighted input to a neuron are added and the result is "compressed" by a sigmoid function" (see col. 5, lines 64-col. 6, lines 5). Nafeh thus teaches weighting the input values and applying the weighted input values to a next layer in the neuron network. However Nafeh fails to teach combining the values by averaging the values as is recited in independent claim 1, as amended.

8

Amendment   Docket No.US010118
Serial No.09/843,499

Walker teaches a video signal processor that includes a scene detector which uses features extracted for visual segments and/or audio segments resulting from segmentation of an input stream of video data and a criterion for measurement of similarity between visual and/or audio segment pairs, calculated for each of the features using the similarity measurement criterion, to detect two visual segments and/or audio segments whose time gap is within a predetermined temporal threshold and whose dissimilarity is less than a predetermined dissimilarity threshold and group the segments into a scene consisting of segments and/or audio segments reflecting the semantics of the video data content and temporally contiguous to each other (see Abstract). Walker is cited in the Office Action for describing "the dividing of the segments using multimedia characteristic such as speech, music, noise, and silence" and it would be obvious to "use the selection of multimedia cues, as disclosed by Nafeh and incorporate a system wherein the segments are divided into segments using pre-selected multi-media characteristic, as disclosed by Walker" (see instant OA, page 3, lines 12-18).

With reference to claim 1, neither the Nafeh nor Walker, individually or in combination, teach or suggest all the elements recited in the above referred-to claims. More specifically, neither Nafeh nor Walker teach "combining the probability distribution for each sub-segment by averaging the probability distribution for each sub-segment to form a combined probability distribution," as is recited in the claims. Hence, even if there were some motivation to combine the teachings of the cited reference, which is believed not to exist and need not be discussed in detail, the combined device fails to teach all the features recited in independent claim 1.

A claimed invention is prima facie obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

9

Amendment
Serial No.09/843,499

Docket No.US010118

Accordingly, the invention recited in claim 1 is not rendered obvious by the teachings of the cited reference, as the combined device fails to recite all the elements claimed in independent claim 1.

For at least this reason, applicant submits that the reason for the rejection has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

With regard to the remaining claims, these claims are dependent from independent claim 1 discussed above and are therefore believed patentable for the same reasons. For at least this reason, applicant respectfully requests withdrawal of the rejection and allowance of the claim.

Claims 7-17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Nafeh in view of Walker and further in view of Maeda (US no. 6,580,679).

The Office Action states that Nafeh and Walker shows all the features cited in independent claims 7, 12, and 15, but fails to disclose "performing genre-based indexing on the program using multi-media cues characteristic of a given genre of program." However, Maeda discloses the missing feature.

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims. However, in the interest of advancing the prosecution of this matter, the independent claims have been amended to more clearly state the invention. More specifically, the independent claims have been amended to include the subject matter similar to that recited in claim 1. Support for the amendment may be found on at least page 13, lines 5-6, which state "[a]ccording to the present invention, the genre-based indexing will be performed using the multi-media cues generated by the method described in Figure 1."

Madeda merely discloses a method of managing file regions on a recording medium, and fails to show or teach the step of "performing genre-based indexing on the program using pre-selected multi-media cues characteristic of a given genre of program," as recited in the amended base claims.

10

Amendment
Serial No.09/843,499

Docket No.US010118

     With regard to independent claims 7, 12 and 15, these claims recite subject matter similar to that recited in claim 1 and were rejected citing the same references, i.e., Nafeh and Walker, used in rejecting claim 1 and further in view of Maeda. Thus, for the amendments made to these claims, which are similar to those made to claim 1 and for the remarks made in response to the rejection of claim 1, which are also applicable with regard to the rejection of claims 7, 12, and 15, which are reasserted, as if in full, in response to the rejection of the these claims, applicant submits that the reason for the rejection has been overcome and respectfully requests withdrawal of the rejection.

     With regard to the remaining claims, these claims are each dependent from one of the independent claims discussed above and are, therefore, believed allowable and patentable for the same reasons.
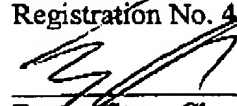
     With regard to claims 18-20, no new matter has been added, as these claims include subject matter recited in claim 4.

     Although the last Office Action was made final, this Amendment should be entered. No matter has been added to the claims that would require comparison with the prior art or any further review. Accordingly, pursuant to MPEP 714.13, the amendments to claims should only require a cursory review by the examiner. This Amendment therefore should be entered without requiring a showing under 37 CFR 1.116(b).

     For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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11